

MSRA Reauthorization Tracking: Update (30 items)

As of August 24, 2007

Task	Due date	Status	Additional Information
Annual Catch Limits (1 item)			
Establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability. The amendment made by subsection (a)(10)—(1) shall, unless otherwise provided for under an international agreement in which the United States participates, take effect— (A) in fishing year 2010 for fisheries determined by the Secretary to be subject to over fishing; and (B) in fishing year 2011 for all other fisheries; and (2) shall not apply to a fishery for species that have a life cycle of approximately 1 year unless the Secretary has determined the fishery is subject to overfishing of that species; and (3) shall not limit or otherwise affect the requirements of section 301(a)(1) or 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a)(1) or 1854(e), respectively).	01/01/10	On Track	<p>* Annual Catch Limits must be in place for overfished stocks by 1/01/10. However, the task tracked here is GUIDELINES to be provided to NMFS/Councils to establish a mechanism for specifying annual catch limits. The deadline to have those guidelines in place is November, 2007.</p> <p>A Notice of Intent published on 2/14/07 (72 FR 7016). The public comment period is closed.</p> <p>Scoping meetings are complete. A summary of comments received may be viewed at: http://www.nmfs.noaa.gov/msa2007/catchlimits.htm#publiccomments</p>
Bycatch (1 item)			
The Secretary, in cooperation with the Councils and other affected interests, and based upon the best scientific information available, shall establish a bycatch reduction program, including grants, to develop technological devices and other conservation engineering changes designed to minimize bycatch, seabird interactions, bycatch mortality, and post-release mortality in Federally managed fisheries. The section specifies program requirements.	01/12/08	On Track	NMFS is working to present Program details at future Workshops.
Conflict of interest (1 item)			
On January 1, 2008, and annually thereafter, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on action taken by the	01/12/08	On Track	NMFS will prepare guidance for the Councils on what information to collect for the annual report to Congress.

Task	Due date	Status	Additional Information
Secretary and the Councils to implement the disclosure of financial interest and recusal requirements of this subsection, including identification of any conflict of interest problems with respect to the Councils and scientific and statistical committees and recommendations for addressing any such problems.			
Council Liaison (1 item)			
The MA Council, in consultation with the NE Council, shall submit a report to the Senate Committee on Commerce, Science, and Transportation - (1) describing the role of council liaisons between the MA and NE Councils, including an explanation of council policies regarding the liaison's role in Council decision-making since 1996; (2) describing how management actions are taken regarding the operational aspects of current joint FMPs, and how such joint plans may undergo changes through amendment or framework processes; (3) evaluating the role of the NE and the MA Council liaisons in the development and approval of management plans for fisheries in which the liaisons or members of the non-controlling Council have a demonstrated interest and significant current and historical landings of species managed by either; (4) evaluating the effectiveness of the various approaches developed by the Councils to improve representation for affected members of the non-controlling Council in decision-making, such as use of liaisons, joint management plans, and other policies, taking into account both the procedural and conservation requirements of the MSA; and (5) analyzing characteristics of NC and FL that supported their inclusion as voting members of more than one Council and the extent to which those characteristics support RI's inclusion on a second Council (the MA Council).	10/12/07	On Track	The MA Council is preparing this report. NMFS will provide assistance as requested.
Deep Sea Coral Report to Congress (1 item)			
The Secretary, in consultation with the Councils, shall submit biennial reports to Congress and the public on steps taken by the Secretary to identify, monitor, and protect deep sea coral areas, including summaries of the results of mapping, research, and data collection performed under the program.	01/12/08	On Track	

Task	Due date	Status	Additional Information
Ecosystem Research (1 item)			
Requires Sec., in consultation with the Councils, to undertake and complete a study on the state of science for integration of ecosystem considerations in regional fisheries management. The study should build upon the recommendations of the advisory panel (established under Section 406 of MSA). Stipulates what must be included in study.	07/12/07	Delayed	NMFS plans to conduct a workshop in Nov 2007 with participation from the Councils, NMFS Science Centers and the Ecosystem Principles Advisory Panel. A report will be prepared for delivery to Congress in May 2008.
Environmental Review Process - NEPA (1 item)			
The Secretary shall, in consultation with the Councils and the Council on Environmental Quality, revise and update agency procedures for compliance with the National Environmental Policy Act (42 U.S.C. 4231 et seq.). Specifies requirements of the procedures. First part of schedule specifies when revised procedures are to be proposed. Proposed rule shall provide 90 days for public comment. Requires that the Secretary promulgate final procedures for compliance with the National Environmental Policy Act (42 U.S.C. 4231 et seq.) no later than 12 months after the date of enactment.	01/12/08	Delayed	The National Marine Fisheries Service solicited public comment through April 20, 2007, on the environmental review provisions required by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA). For more information, see: http://www.nmfs.noaa.gov/msa2007/docs/notice_to_public_5.pdf A summary of the public comments received has been posted on the website. See: http://www.nmfs.noaa.gov/msa2007/publiccomments.htm
Experimental Fishing Permits (1 item)			
Requires Sec., in consultation with the Councils, to promulgate regulations that establish an expedited, uniform, and regionally-based process for issuance of experimental fishing permits.	07/12/07	Delayed	A proposed rule is expected in late-August or early Sept.
Fishery Science (1 item)			
Secretaries of Commerce and Education shall collaborate to study if there is a shortage of individuals with post -baccalaureate degrees in fisheries science and shall submit a report to congress detailing the findings and recommendations of the study.	09/12/07	Delayed	The NMFS Office Of Science and Technology has contracted with the American Fisheries Society to determine if there is a shortage of individuals with post -baccalaureate degrees in fisheries science. A survey of over 80 fishery-related departments in higher learning institutions in the U.S. was distributed in July 2008. The report of survey results is expected to be available by early 2008.
Framework 42 (1 item)			
The Secretary of Commerce shall conduct a unique, thorough examination of the potential impact on all affected and interested parties of Framework 42 to the Northeast Multispecies FMP and report the Secretary's findings. The report shall include a detailed discussion of the provisions specified in	02/12/07	Completed	See: http://www.nmfs.noaa.gov/msa2007/Framework42ReporttoCongressFinalFinal.pdf

Task	Due date	Status	Additional Information
the section.			
Hurricane (2 items)			
The Secretary of Commerce shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on— (1) commercial and recreational fisheries in the States of Alabama, Louisiana, Florida, Mississippi, and Texas; (2) shrimp fishing vessels in those States; and (3) the oyster industry in those States.	07/12/07	Completed	This report has been submitted to Congress and may be viewed at: http://www.nmfs.noaa.gov/msa2007/implementation.htm
The Secretary of Commerce shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on habitat, including the habitat of shrimp and oysters in those States.	07/12/07	Completed	This report has been submitted to Congress and may be viewed at: http://www.nmfs.noaa.gov/msa2007/implementation.htm
International fisheries (3 items)			
Amends the High Seas Driftnet Fishing Moratorium Protection Act to require the Secretary, in consultation with the Sec of State, to provide to Congress, a biennial report that includes— (1) the state of knowledge on the status of international living marine resources shared by the U.S. or subject to treaties or agreements to which the U.S. is a party, including a list of all such fish stocks classified as overfished, overexploited, depleted, endangered, or threatened with extinction by any international or other authority charged with management or conservation of living marine resources; (2) a list of nations whose vessels have been identified under section 609(a) or 610(a), including the specific offending activities and any subsequent actions taken pursuant to section 609 or 610; (3) a description of efforts taken by nations on those lists to comply take appropriate corrective action consistent with sections 609 and 610, and an evaluation of the progress of those efforts, including steps taken by the U.S. to implement those sections and to improve international compliance; (4) progress at the international level, consistent with section 608, to strengthen the efforts of international fishery management organizations to end IUU fishing; and (5) steps	01/12/09	On Track	Project Manager and team to write sections of the biennial report were identified in March '07. An advance notice of proposed rulemaking and request for public comments was published June 11 (72 FR 32052-5; http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/E7-11254.pdf) to solicit public comments on a procedure for certifying IUU fishing flag states and a procedure for certifying flag states whose fishing vessels are responsible for unacceptable levels of bycatch of protected living marine resources. Notice of three pubic input sessions was published (72 FR 33436): July 2 in Silver Spring, MD; July 5 in Long Beach, CA; and July 5 in Seattle, WA). These certifications are required elements of the biennial report. Target date for publication of a proposed rule is October '07 and for a final rule May '08.

Task	Due date	Status	Additional Information
taken by the Secretary at the international level to adopt international measures comparable to those of the U.S. to reduce impacts of fishing and other practices on protected living marine resources, if no international agreement to achieve such goal exists, or if the relevant international fishery or conservation organization has failed to implement effective measures to end or reduce the adverse impacts of fishing practices on such species.			
The Secretary shall publish a definition of the term 'illegal, unreported, or unregulated fishing' for purposes of this Act, including in the definition, at a minimum—(A) fishing activities that violate conservation and management measures required under an international fishery management agreement to which the United States is a party, including catch limits or quotas, capacity restrictions, and bycatch reduction requirements; (B) overfishing of fish stocks shared by the United States, for which there are no applicable international conservation or management measures or in areas with no applicable international fishery management organization or agreement, that has adverse impacts on such stocks; and (C) fishing activity that has an adverse impact on seamounts, hydrothermal vents, and cold water corals located beyond national jurisdiction, for which there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement.	04/12/07	Completed	Definition published in the Federal Register on April 12, 2007, at 72 FR 18404-5. See: http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/07-1830.pdf
The Secretary, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, shall designate a Senate-confirmed, senior official within the National Oceanic and Atmospheric Administration to perform the duties of the Secretary with respect to international agreements involving fisheries and other living marine resources, including policy development and representation as a U.S. Commissioner, under any such international agreements.	01/12/09	Targets/Milestones Being Established	
Joint Enforcement Agreements (2 items)			
Requires NMFS and Coast Guard to transmit a joint report to Congress on feasibility, value, and cost of using GMDSS (or other similar data system) for fishery management, conservation, enforcement, and safety purposes with the Federal government	04/12/08	On Track	On Track

Task	Due date	Status	Additional Information
bearing the capital costs of any such system; the cumulative impact of existing requirements for commercial vessels; whether such data systems would overlap existing requirements or render them redundant; how data from systems could be integrated; how to maximize data-sharing opportunities between State and Federal agencies; and an assessment of the development, purchase, and distribution of systems to regulated vessels.			
The Secretary shall implement data-sharing measures to make any data required to be provided by this Act from satellite-based maritime distress and safety systems, vessel monitoring systems, or similar systems— (A) Directly accessible by State enforcement officers authorized under subsection (a) of this section; and (B) Available to a State management agency involved in, or affected by, management of a fishery if the State has entered into an agreement with the Secretary under section 402(b)(1)(B) of this Act.	10/12/09	On Track	On Track
King/Tanner Crab (1 item)			
Sec. Comm shall amend the FMP for the BSAI King and Tanner Crabs for the Northern Region (as that term is used in the plan) to authorize—(A) an eligible entity holding processor quota shares to elect on an annual basis to work together with other entities holding processor quota shares and affiliated with such eligible entity through common ownership to combine any catcher vessel quota shares for the Northern Region with their processor quota shares and to exchange them for newly created catcher/processor owner quota shares for the Northern Region; and (B) an eligible entity holding catcher vessel quota shares to elect on an annual basis to work together with other entities holding catcher vessel quota shares and affiliated with such eligible entity through common ownership to combine any processor quota shares for the Northern Region with their catcher vessel quota shares and to exchange them for newly created catcher/processor owner quota shares for the Northern Region.	04/12/07	Completed	AMENDMENT APPROVED. <ul style="list-style-type: none"> • NOA published 2/5/07 - 72 FR 5255 • Comment period ended: 4/6/07 • Amendment was approved by NMFS on 4/12/07
LAPP - Referenda Guidelines (1 item)			
Within 1 year after the date of enactment of the	01/12/08	On Track	This project was discussed at the Gulf Council meeting on June 4:

Task	Due date	Status	Additional Information
Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall publish guidelines and procedures to determine procedures and voting eligibility requirements for referenda and to conduct such referenda in a fair and equitable manner.			http://www.gulfcouncil.org/Beta/GMFMWeb/downloads/committee%20schedule-607.pdf and at the New England Council on June 19: http://www.nefmc.org/calendar/index.html Proposed procedures are expected to be published in mid-September.
Marine Recreational Fisheries Information (1 item)			
<p>1. Sec. Comm, in consultation with reps of the rec fishing industry and experts in statistics, technology, and other appropriate fields, shall establish a program to improve the quality and accuracy of information generated by MRFSS. The program must take into account the 2006 NRC report "Review of Recreational Fisheries Survey Methods." Identifies the goal of the program and what it shall include. The Sec. must complete the program and implement the improved MRFSS by January 1, 2009. Within 24 months of establishment of the revised MRFSS program, requires Sec. to submit a report to Congress describing progress toward achieving the program goals and objectives.</p> <p>2. Creation of National Registry Program for Marine Recreational Fishing. The "Sec. Comm shall establish and implement regionally based registry program for recreational fishermen in each of the 8 fishery management regions. Program shall not require a fee before January 1, 2011 and shall provide for (a) registration (including identification and contact information) of individuals who engage in recreational fishing in EEZ, for anadromous species, or for Continental Shelf fishery resources beyond EEZ and (b) if appropriate, the registration (including the ownership, operator, and identification of the vessel) of vessels used in such fishing. Secretary shall exempt from registration under the program recreational fishermen and charter fishing vessels licensed, permitted, or registered under laws of a State if Secretary determines information from State program is suitable for the Secretary's use or is used to assist in completing marine recreational fisheries statistical surveys, or evaluating the effects of proposed conservation and management measures for marine recreational fisheries."</p>	01/12/09	Targets/Milestones Being Established	To develop an improved recreational fishing data collection program, an Executive Steering Committee was established and met for the first time in March. Members include fisheries managers and scientists from NOAA Fisheries, the interstate marine fisheries commissions, and the regional fishery management councils. Executive Steering Committee has established the Operations Team. OT has begun to set milestones and timelines for issue-specific work groups. The OT estimates making the program proposal available for public comment by July, 2008 See: http://www.st.nmfs.noaa.gov/RecSurveyUpgrade/RecSurveyUpgrade.html
Overcapitalization (1 item)			

Task	Due date	Status	Additional Information
Subject to the availability of funds, the Secretary shall, within 12 months after the date of the enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 submit to the Congress a report— (i) identifying and describing the 20 fisheries in United States waters with the most severe examples of excess harvesting capacity in the fisheries, based on value of each fishery and the amount of excess harvesting capacity as determined by the Secretary; (ii) recommending measures for reducing such excess harvesting capacity, including the retirement of any latent fishing permits that could contribute to further excess harvesting capacity in those fisheries; and (iii) potential sources of funding for such measures.	01/12/08	On Track	The NMFS Office of Science and Technology is conducting capacity assessments for fisheries in each region during April – August 2007. As each region's report is completed, it is delivered to the NMFS Office of Sustainable Fisheries (SF). To date, 6 out of 8 regional reports have been delivered, and the remaining two reports have an estimated delivery date of 10 September 2007. SF will work with the Councils on ranking the fisheries and developing management strategies for addressing the overcapacity issue.
Pacific Groundfish (1 item)			
Requires the Pacific Fishery Management Council to develop a proposal for an appropriate rationalization program for the Pacific trawl groundfish and whiting fisheries, including the shore-based sector of the Pacific whiting fishery. In developing the rationalization proposal, the Pacific Council must fully analyze alternative program designs, assess the proposal's impact on conservation and economies of the communities, fishermen, and processors participating in the groundfish trawl fisheries, including the shore-based sector of the Pacific whiting fishery. Requires the Pacific Council to submit the proposal and related analysis to Congress within 24 months of enactment.	01/12/09	Targets/Milestones Being Established	<p>- Trawl rationalization issues were discussed by the Groundfish Allocation Committee, a PFMC subcommittee, on Tuesday, May 15 and Wednesday, May 16. Intersector allocation issues were discussed on Thursday, May 17. See: http://www.pcouncil.org/events/2007/gac0507.html</p> <p>- A report from the GAC was provided for consideration by the Council at its June 2007 meeting in Foster City, California.</p> <p>The June 2007 Council agenda can be found here: <http://www.pcouncil.org/bb/2007/0607/A4.pdf></p> <p>The GAC report to the Council can be found here: <http://www.pcouncil.org/bb/2007/0607/E8b_GAC.pdf></p>
Salmon Recovery Plan (1 item)			
The Secretary of Commerce shall complete a recovery plan for Klamath River Coho salmon and make it available to the public. Within 2 years of enactment, and annually thereafter, the Sec. is required to submit a report to Congress on the actions taken under the recovery plan and other law relating to the recovery of Klamath River Coho salmon and how these actions are contributing to its recovery; progress on restoration of salmon spawning habitat, including water conditions that relate to salmon health and recovery (with emphasis on the Klamath River and its tributaries below Iron Gate	01/12/09	On Track	<p>A presentation was made at the PFMC the week of April 2nd, 2007.</p> <p>A notice of availability of the recovery plan was published in the Federal Register on July 10, 2007 (72 FR 37512). The recovery plan is available at: http://swr.nmfs.noaa.gov/salmon/MSRA_RecoveryPlan_FINAL.pdf</p>

Task	Due date	Status	Additional Information
Dam); the status of other Klamath River anadromous fish populations, and actions taken by the Sec. to address the 2003 National Research Council's recommendations regarding monitoring and research on Klamath River salmon stocks.			
Secretarial Action on State-waters fishing (1 item)			
The Secretary of Commerce shall determine whether fishing in State waters— (A) without a New England Multispecies groundfish fishery permit on regulated species within the multispecies complex is not consistent with the applicable Federal fishery management plan; or (B) without a Federal bottomfish and seamount groundfish permit in the Hawaiian archipelago on regulated species within the complex is not consistent with the applicable Federal fishery management plan or State data are not sufficient to make such a determination. If the Secretary makes a determination that such actions are not consistent with the plan, the Secretary shall, in consultation with the Council, and after notifying the affected State, develop and implement measures to cure the inconsistency pursuant to section 306(b).	03/12/07	Completed	Analyses completed and are available at: http://www.nmfs.noaa.gov/msa2007/implementation.htm
Training (2 items)			
Requires the Sec., in consultation with the Councils and the National Sea Grant College Program, develop a training course for new Council members. Training course shall be made available to new and existing Council members and staff from the RO's and RSC's of NMFS, and may be made available to committee or advisory panel members as resources permit.	07/12/07	Completed	New member Council training is scheduled for the week of October 15, 2007. A syllabus of the training program is available at: http://www.nmfs.noaa.gov/msa2007/implementation.htm
Council members appointed after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 shall complete a training course that meets the requirements of this section not later than 1 year after the date on which they were appointed. Any Council member who has completed a training course within 24 months before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 shall be considered to have met the training requirement of this paragraph.	01/12/09	On Track	New member training has been scheduled for the week of October 15, 2007.

Task	Due date	Status	Additional Information
Tsunami (4 items)			
The National Weather Service, in consultation with other relevant Administration offices, shall transmit to Congress a report on how the tsunami forecast system under this section will be integrated with other United States and global ocean and coastal observation systems, the global earth observing system of systems, global seismic networks, and the Advanced National Seismic System.	01/12/08	On Track	View NWS charter here: http://www.ppi.noaa.gov/weather_water/TsunamiPage.html View Indian ocean tsunami warning system program here: http://www.iotws.org/ev_en.php?ID=1267_201&ID2=DO_TOPIC
The National Weather Service, in consultation with other relevant Administration offices, shall transmit a report to Congress on how technology developed under section 806 is being transferred into the program under this section.	01/12/10	On Track	View NWS charter here: http://www.ppi.noaa.gov/weather_water/TsunamiPage.html View Indian ocean tsunami warning system program here: http://www.iotws.org/ev_en.php?ID=1267_201&ID2=DO_TOPIC
The Administrator shall establish a process for monitoring and certifying contractor performance in carrying out the requirements of any contract to construct or deploy tsunami detection equipment, including procedures and penalties to be imposed in cases of significant contractor failure or negligence.	04/12/07	Completed	View NWS charter here: http://www.ppi.noaa.gov/weather_water/TsunamiPage.html View Indian ocean tsunami warning system program here: http://www.iotws.org/ev_en.php?ID=1267_201&ID2=DO_TOPIC
Comptroller General of the U.S. shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives that (1) evaluates the current status of the tsunami detection, forecasting, and warning system and the tsunami hazard mitigation program established under this title, including progress toward tsunami inundation mapping of all coastal areas vulnerable to tsunami and whether there has been any degradation of services as a result of the expansion of the program; (2) evaluates the NWS's ability to achieve continued improvements in the delivery of tsunami detection, forecasting, and warning services by assessing policies and plans for the evolution of modernization systems, models, and computational abilities (including the adoption of new technologies); and (3) lists the contributions of funding or other resources to the program by other Federal agencies, particularly agencies participating in the program.	01/31/10	On Track	View NWS charter here: http://www.ppi.noaa.gov/weather_water/TsunamiPage.html View Indian ocean tsunami warning system program here: http://www.iotws.org/ev_en.php?ID=1267_201&ID2=DO_TOPIC